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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,098

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Hendrikus Theodorus Wientjens

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EXAMINER

BANH, DAVID H

ART UNIT

PAPER NUMBER

4193

NOTIFICATION DATE

DELIVERY MODE

02/22/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,098	<b>Applicant(s)</b> WIENTJENS ET AL.	
	<b>Examiner</b> DAVID H. BANH	<b>Art Unit</b> 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/2005</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: The recitation "the rods" in line 4 should be replaced with --the two rods-- for clarity. Appropriate correction is required.
2. Claim 5 is objected to because of the following informalities: The recitation "a said bearing surface" should be changed to --bearing surface-- to correct the antecedent basis. Appropriate correction is required.
3. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 fails to limit the subject matter of the printing module recited in claim 1.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or

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patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-22 of copending Application No. 10537099. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 14-22 of the copending application teaches all of the limitations of claim 1-3, 5 and 7-9 with additional limitations. For claims 4, 6 and 10, it would be obvious to one of ordinary skill in the art to combine the limitations taught within claims 14-22 of the copending application to produce the invention in said claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 of the present application is anticipated by Claim 15 of copending Application No. 10537099. The teachings of lines 1-6 reading "a printing module provided with an impression... the anilox roller and transferred to the plate cylinder," are recited verbatim by the same lines of parent Claim 1 of Application 10537099. The teachings of lines 6-9 reading "the plate cylinder assembling being provided ... is fixedly connected with the stationary shaft," are taught by Claim 12 of Application 10537099 (lines 1-4). The teachings of lines 9-12 reading "the printing module comprising two receiving units...mounted in the printing module" are taught by Claim 13 of Application 10537099 (lines 1-4). Finally, the teachings of lines 12-14 reading "while fixation means are

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provided...under the plate cylinder assembly" are taught by lines 1-3 of Claim 15 of Application 10537099. Claim 15 of the copending application is dependent on 13, which is dependent on 12 and dependent on 1, thus Claim 15 teaches all of the limitations of Claim 1 of the present application.

Claim 2 of the present application is anticipated by Claim 16 of the copending Application No. 10537099. As explained above, parent Claim 15 anticipates Claim 1 of the present application. The language of claim 2 is verbatim identical to the language of claim 16.

Claims 3, 5, 7, 8 and 9 of the present invention is anticipated by Claim 17, 19, 20, 21 and 22 respectively in copending Application No. 10537099. The language reads identically.

The language of Claim 4 is almost identical to the language of Claim 18. However, Claim 4 is multiply dependent on Claims 1-3, which are equivalent to claims 15-17 of the copending application and claim 18 is only dependent on claim 15, lacking the limitations of claims 16 and 17. However, it would be obvious to one of ordinary skill in the art at the time the invention was made to include the limitations of claims 16 and 17 in claim 18 for the purpose of serving as the fixation means.

The language of Claim 6 is substantially similar to the limitations discussed in claim 14. However, claim 6 is dependent on claim 1 in the present application which is analogous to claim 15 in the copending application. Claim 14 includes only the limitations of claim 15 as found in claim 13. However, it would be obvious to one of ordinary skill in the art to add the fixation means

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taught in claim 15 to claim 14 for the purpose of stabilizing the plate cylinder assembly.

Claim 10 recites a printing press provided with a printing module as described in claim 1. However, claim 23 of the copending applications teaches a printing machine provided with a printing module. It would be obvious to one of ordinary skill in the art to provide a printing press with a printing module for the purpose of being able to produce printed products.

### ***Allowable Subject Matter***

6. Claims 1-10 would be allowed upon filing a proper terminal disclaimer.

The following is an examiner's statement of reasons for allowance: No prior art of combination thereof searched reads on the limitations of claims 1-10 of the pending application. No prior art teaching the limitation of a fixating means for the plate cylinder assembly situated under said assembly can be combined with a printing module comprising a frame, impression roller, plate cylinder assembly, doctor roller and anilox roller with the plate cylinder being rotatably bearing-mounted. The claims will be allowable upon the filing of a terminal disclaimer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID H. BANH whose telephone number is

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(571)270-3851. The examiner can normally be reached on M-Th 7:30AM-5PM

Alt. Fri 7:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long T. Nguyen can be reached on 571-272-1753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB

/Long Nguyen/  
Supervisory Patent Examiner  
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